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Application Serial No.: 10/673,390

Amendment and Response to May 10, 2007 Non-Final Office Action

## REMARKS

Claims 1 – 7, 9 – 17, 20, and 21 are in the application. Claims 1 – 5, 7, 9 – 11, 13 – 17, 20, and 21 are currently amended; claims 6 and 12 were previously presented; and claims 18 and 19 are canceled. Claims 1, 20, and 21 are the independent claims herein.

No new matter has been added to the application as a result of the amendments submitted herewith. Reconsideration and further examination are respectfully requested.

**Claim Rejections – 35 USC § 112**

Claims 1 - 7, 9 – 17, and 20 – 21 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Office Action states that there is insufficient antecedent basis for "said identity context" in lines 3, 5, and 8 in claims 1, 20 and 21, respectively.

In reply thereto, claims 1, 20, and 21 are currently amended to recite "said new identity oriented context", which has antecedent support in the previously recited "a new identity oriented context" in each of the subject claims.

Accordingly, Applicant requests the reconsideration and withdrawal of the rejection of claims 1 – 7, 9 – 17, and 20 – 21 under 35 U.S.C. 112, second paragraph.

**Claim Rejections – 35 USC § 102**

Claims 1 – 7, 9 – 17, and 20 – 21 were rejected under 35 U.S.C. 102(b) as being anticipated by Diacakis et al. U.S. Publication No. 2002/0116336 (hereinafter, Diacakis). This rejection is traversed.

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Regarding claim 1, Applicant respectfully notes that claim 1 relates to a method that includes receiving a request to make a change to a new identity oriented context for an identity, wherein the new identity oriented context is associated with the identity and provides an availability status of said identity; mapping the new identity oriented context to a device oriented context for a specific device associated with the identity, wherein the device oriented context provides an availability status of the specific device; and providing data indicative of the mapped device oriented context to a device context oriented application.

Claim 1 is currently amended to clarify (1) that the claimed new identity oriented is associated with the identity and provides an availability status of the identity, (2) the claimed device oriented context for a specific device provides an availability status of the specific device, and (3) the mapped device oriented context is provided to a device context oriented application.

Support for the current amendments to claim 1 is found in FIGS. 1 – 4, as well as the corresponding portions of the Specification.

Thus, it is clear from Applicant's claims that the "device oriented context" is separate and distinct from the "identity oriented context". This aspect of the claims is further made clear in the Specification as well as FIGS. 1 and 2, items 104 and 108; FIG. 3; and FIG. 4 that depicts an identity context to device context mapping table 144.

Applicant respectfully submits that claims 20 (reciting an article of manufacture), and 21 (reciting an apparatus) each relate to receiving a request to make a change to a new identity oriented context for an identity, wherein the new identity oriented context is associated with the identity and provides an availability status of said identity; mapping the new identity oriented context to a device oriented context for a specific device associated with the identity, wherein the device oriented context provides an availability status of the specific device; and providing data indicative of the mapped device oriented context to a device context oriented application, in a manner similar to claim 1.

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Applicant respectfully submits that the cited and relied upon Diacakis does not disclose or suggest, at least, (1) both the new identity oriented context for an identity, wherein the new identity oriented context is associated with the identity and provides an availability status of the identity and the device oriented context for a specific device associated with the identity, wherein the device oriented context provides an availability status of the specific device, and (2) providing data indicative of the mapped device oriented context to a device context oriented application.

The Office Action cites and relies upon Diacakis for allegedly disclosing determining a identity context and a device context, yet Diacakis clearly discloses determining a presence of an individual or, at most, group of individuals based exclusively and explicitly on an identity oriented context (both system and method). Diacakis does not disclose an device oriented context system, method, or application.

Diacakis explicitly states,

[0026] As used herein, the term "presence" is defined as the ability of an individual to access a particular communications network. For example, if a person is near a landline telephone or wireless telephone that is switched on, that person is "present" on a telephone network, i.e., the person is able to use the telephone network to communicate with other people also on the network. Conversely, if a person is not near a landline telephone or wireless telephone, or the wireless telephone is switched off, then that person is not present on a telephone network, and thus unable to communicate with others on the telephone network. Similarly, if a person uses an instant messaging (IM) application at a given point in time, the person is present on that instant messaging network.

[0027] In addition, as used herein the term "availability" is defined as the willingness of an individual who is present on one or more communications networks to be reached by one or more persons. Following the telephone network example above, if a person is near a landline or wireless telephone and has the intention or willingness to answer the phone when a particular person calls, the person is not only present but available on the telephone network. However, if the person is unwilling or unable to answer either phone when it rings, although present, the person is not available.

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[0038] FIG. 4 is a diagram of the P&A management server 12 according to one embodiment of the present invention. As illustrated in FIG. 4, the server 12 includes a presence detection engine 18 and an availability management engine 20. The presence detection engine 18 may determine an individual's presence upon particular networks based on various inputs, as described further hereinbelow. The presence detection engine 18 may transmit the presence information to the availability management engine 20, which in turn may determine the individual's availability based on the presence information as well as additional information, such as the individual's situation and defined rules and preferences. The determined availability information may then be transmitted to subscribers of the individual's availability information via the network 16, as described previously.

[0040] As illustrated in FIG. 4, the presence detection engine 18 may receive various inputs to determine, to the extent possible, the individual's presence. One type of input that the presence detection engine 18 may use to help determine the individual's presence is time-based input 40. (emphasis added)

Thus, it is clear that Diacakis is explicitly and exclusively related to an identity oriented system and method related to the presence of an individual (i.e., identity oriented system, method, and applications). Specifically, Diacakis discloses, "the presence engine 18 may ascertain the individual's presence on each of the monitored networks" (emphasis added) (See Diacakis, paragraph [0055]).

Thus, it is clear that the cited and relied upon Diacakis clearly discloses specifying and/or determining a presence and availability of an individual in an identity oriented system/method/application using appropriate identity oriented context(s). Diacakis fails to disclose the claimed "device oriented context". No device oriented context or and a device context oriented application is disclosed by Diacakis.

Furthermore, the exclusive disclosure and reliance on an identity oriented context by Diacakis appears to teach away from any suggestion of the claimed device oriented context and a device context oriented application.

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Therefore, Applicant respectfully submits that the cited and relied upon Diacakis does not disclose that for which it was cited and relied upon for disclosing. In particular, Diacakis fails to disclose each and every aspect of claims 1, 20, and 21, as is required for anticipation under 35 USC 102(b).

Accordingly, Applicant respectfully submits that claims 1, 20, and 21 are patentable over Diacakis under 35 USC 102(b) for at least the reasons stated hereinabove. Claims 2 – 7 and 9 – 17 depend from claim 1. Applicant respectfully submits that claims 2 – 7 and 9 – 17 are also patentable over Diacakis under 35 USC 102(b) for at least depending from a patentable base claim. Therefore, the reconsideration and withdrawal of the rejection of claims 1 – 7 and 9 – 21 are respectfully requested, as well as the allowance of same.

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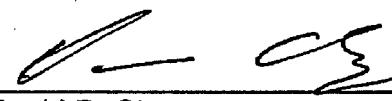
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**CONCLUSION**

Accordingly, Applicants respectfully request allowance of the pending claims. If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone at (408) 492-5336.

Respectfully submitted,

Aug. 10 , 2007  
Date

  
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